

# SANDLER REIFF

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April 23, 2015

Frankie Hampton

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Jeff S. Jordan  
Office of the General Counsel  
Federal Election Commission  
999 E Street N.W.  
Washington, D.C. 20462

Re: MUR 6916

Dear Mr. Jordan,

This response is filed on behalf of our clients, listed in attachment A, to the above-referenced complaint. This complaint should be dismissed and no action should be taken in regards to the Respondents. None of the allegations in the complaint, even if taken as true, implicate any impermissible conduct by the Respondents and the complaint fails to identify a single fact upon which the Federal Election Commission ("Commission") could conclude that there is reason to believe the Respondents violated the Federal Election Campaign Act of 1971 (the "Act") or Commission regulations.

The complaint fails to meet the requirements for a proper complaint. Commission regulations require a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction. 11 C.F.R. 111.4(d)(3). "Unwarranted legal conclusions from asserted facts... or mere speculation... will not be accepted as true." MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 2. This complaint fails to allege any specific facts that describe a violation of the Act or Commission regulations by the Respondents.

The complaint alleges that "Respondents have created for-profit businesses" that: (1) provided federal candidates and committees with data and services at below market rates; (2) that Catalist and NGP VAN act as a common vendor allowing federal candidates and committees to share data with soft money groups making independent expenditures; and (3) at-least one of the for-profit companies was established, maintained and/or controlled by the Democratic National Committee. The complaint fails to allege any conduct by any state party Respondent that could lead to a violation of the act. Even if the complaint properly alleged violations by the Respondents, the allegations are wholly without merit.



## **Attachment A**

Democratic Executive Committee of Florida; Treasurer, Judy Mount  
Democratic Party of New Mexico; Treasurer, Kristine Jacobus  
Maine Democratic State Committee; Treasurer, Betty Johnson  
Mississippi Democratic Party PAC; Treasurer, Ryan Brown  
Ohio Democratic Party; Treasurer, Fran Alberty  
Tennessee Democratic Party; Treasurer, Wade Munday  
Texas Democratic Party; Treasurer, Gilberto Hinojosa  
Vermont State Democratic Federal Campaign Committee; Treasurer, Tim Briglin